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APPLE INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

ELIZABETH WATERMAN,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. 5:24-cv-05218-EKL

**STIPULATION TO AMEND  
COMPLAINT [FRCP 15(a)(2)];  
STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE THE INITIAL  
CASE MANAGEMENT CONFERENCE  
[L.R. 6-1(b), 6-2(a)]**

[Declaration of Sean M. Sullivan Concurrently  
Filed]

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff Elizabeth Waterman (“Plaintiff”) and Defendant Apple Inc. (“Defendant”) (collectively, the “Parties”) hereby jointly stipulate as follows:

- 1) On August 16, 2024, Plaintiff filed the Complaint in this Action (ECF No. 1).
- 2) On September 6, 2024, the Parties agreed to extend the time for Defendant to respond to the Complaint by thirty days, to October 11, 2024 (ECF No. 12).
- 3) On October 2, 2024, the Parties met and conferred regarding potential hearing dates for any Rule 12 motion and other issues, during which the Parties agreed (i) that in an effort to avoid motion practice, Plaintiff would amend her Complaint to address certain alleged pleading deficiencies identified by Defendant and (ii) to propose the modified schedule as set forth below.
- 4) The modified schedule is not expected to delay the resolution of this Action.

**IT IS HEREBY STIPULATED AND AGREED** by and between the Parties that Plaintiff shall amend her Complaint by October 23, 2024; Defendant’s undersigned counsel shall accept service of such amended complaint through its e-filing on PACER, and that Defendant will have 21 days from filing of the amended complaint to respond.

Further, pursuant to Local Rules 6-1(b) and 6-2(a) and in light of the Parties’ joint stipulation above, the Parties jointly stipulate and respectfully request that the Court continue the time of the Case Management Conference and related deadlines as set forth below, and with reference to the following facts:

- 1) Following an order reassigning the case (ECF No. 9), the Court set the initial Case Management Conference for November 20, 2024 at 1:30 p.m., with the corresponding Case Management Statement due November 6, 2024 (ECF No. 10).
- 2) As explained in the concurrently filed declaration, the Parties have been and are concurrently engaged in early discussions to allow Defendant to investigate Plaintiff’s

allegations and to clarify the role of third party content providers of the allegedly infringing material at issue.

3) As explained and stipulated to above, Plaintiff has agreed to amend her complaint in order to address certain alleged pleading issues identified by Defendant during the Parties' meet-and-confer, which the Parties believe will help avoid unnecessary motion practice. Additionally, the Parties believe the Initial Case Management Conference and preparation of the Joint Case Management Statement will be more efficient after Plaintiff files, and Defendant responds to, an amended complaint.

4) The Parties do not expect the requested continuance to materially delay this litigation, which is in its beginning stages. The pleadings are not settled and no trial dates or deadlines have been set.

5) No prior request has been made to continue the Initial Case Management Conference.

Accordingly, the Parties stipulate and respectfully request an order vacating the Initial Case Management Conference and related deadlines, and rescheduling the Initial Case Management Conference to December 18, 2024, or as soon thereafter as the Court is available, with all related deadlines re-set accordingly.

DATED: October 9, 2024

DAVIS WRIGHT TREMAINE LLP  
SEAN M. SULLIVAN  
SAM F. CATE-GUMPERT

By: /s/ Sean M. Sullivan  
Sean M. Sullivan

Attorneys for Defendant  
APPLE INC.

COPYCAT LEGAL PLLC  
LAUREN M. HAUSMAN  
DANIEL DESOUSA

By: /s/ Daniel DeSouza  
Daniel DeSouza

Attorneys for Plaintiff  
ELIZABETH WATERMAN

FILER'S ATTESTATION

I, Sam F. Cate-Gumpert, am the ECF user whose identification and password are being used to file this stipulation and proposed order. In compliance with L.R. 5-1(h)(3), I hereby attest that concurrence in the filing of the document has been obtained from each of the other signatories.

DATED: October 9, 2024

DAVIS WRIGHT TREMAINE LLP  
SEAN M. SULLIVAN  
SAM F. CATE-GUMPERT

By: /s/ Sam F. Cate-Gumpert  
Sam F. Cate-Gumpert

Attorneys for Defendant  
APPLE INC.

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

The Initial Case Management Conference set for November 20, 2024, and related deadlines, are hereby vacated, and the Initial Case Management Conference is rescheduled to \_\_\_\_\_, 2024 at 1:30 p.m., with all related deadlines re-set accordingly.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE EUMI K. LEE  
UNITED STATES DISTRICT JUDGE